

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

CRIMINAL NO: 09-650

VERSUS

JUDGE DONALD E. WALTER

HAROLD TURNER

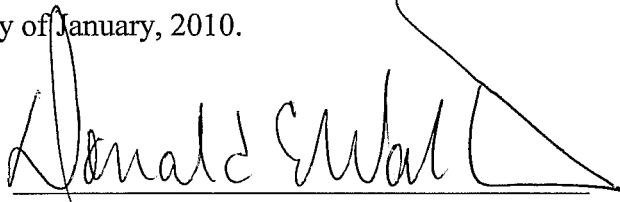
ORDER

On December 3, 2009, a mistrial was declared in the above captioned matter due to a hung jury. Thereafter, the Defendant renewed his motion for acquittal pursuant to Federal Rule of Criminal Procedure 29(c). The parties were instructed to brief the Court on the merits of the motion. [Record Doc. #38].

Upon due consideration and review of the evidence in the light most favorable to the prosecution, the Court is satisfied that a rational trier of fact could find the essential elements of the crime charged beyond a reasonable doubt. *See Jackson v. Virginia*, 443 U.S. 307 (1979). Accordingly, Defendant's Rule 29(c) motion for acquittal is hereby **DENIED**.

Trial by jury is scheduled to begin **March 1, 2010, at 10:00 a.m.** in Brooklyn, New York. The parties are instructed to inform the Court as to whether a pretrial conference is necessary.

THUS DONE AND SIGNED, this 25th day of January, 2010.



DONALD E. WALTER
UNITED STATES DISTRICT JUDGE